

Sussex County  
Engineering Department

MICHAEL A. IZZO, P.E.  
County Engineer

September 23, 2011

Mr. Patrick H. Procino  
901 S. Market Street  
Blades, DE 19973

REF: PROCINO PLATING  
TERMINATION OF INDUSTRIAL USER PERMIT  
FILE: OM-5.10 & OM-5.11

Dear Mr. Procino:

Sussex County is in receipt of your signed affidavit stating that Procino Plating is no longer discharging industrial wastewater into the Blades Sanitary Sewer District. In the affidavit you state that you agree to relinquish the Industrial Wastewater Contribution Permit BL-03-001. (Exhibit A) The effective dates of the permit are June 1, 2009 to June 1, 2013.

Based on this affidavit, an inspection of the Procino Plating facility conducted with the City of Seaford, a letter from the EPA stating that they are in agreement with terminating the permit, and a letter from the City of Seaford stating they are in agreement with the termination of the Permit, I see no reason why this Permit cannot be terminated. Copies of the two letters referenced above are attached as is a copy of your signed affidavit.

As per our conversation, I agree that any administrative issues or violations noted in our annual inspection conducted on December 7, 2010 have been resolved and I plan no further action on these items. I acknowledge that Procino Plating contested the validity of some of these items. I agree that from June 1, 2009 to the present, all of Procino Plating analysis reports show that the discharge was within the requirements as specified by the Permit.

Please consider this letter notification that the Industrial Wastewater Contribution Permit is no longer in effect. It has been a pleasure being able to work with you in our previous capacity. I am looking forward to serving you in your new capacity as a regular sanitary sewer user of the Blades Sanitary Sewer District. If you have any questions, do not hesitate to contact me.

Sincerely

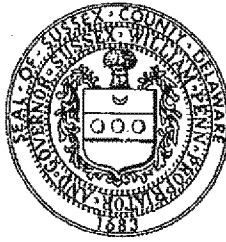
SUSSEX COUNTY ENGINEERING DEPARTMENT



Gary D. Tonge  
Director of Utility Permits

Attachments

cc: Mr. David Baker, Sussex County Administrator  
Mr. Todd Lawson  
Mr. Michael A. Izzo, P.E.  
Ms. Heather Sheridan  
Mr. Berley Mears  
Mr. Vincent Robertson, Esquire  
Mr. Michael Parkowski, Esquire



2 THE CIRCLE  
P.O. BOX 589  
GEORGETOWN, DELAWARE 19947  
Administration 302-855-7718  
Airport & Industrial Park 302-855-7774  
Environmental Services 302-855-7730  
Public Works 302-855-7703  
Records Management 302-854-5033  
Utility Engineering 302-855-7717  
Utility Permits 302-855-7719  
Utility Planning 302-855-1299

Fax: 302-855-7799

AFFIDAVIT OF PROCINO PLATING, INC.

AS SUBMITTED BY

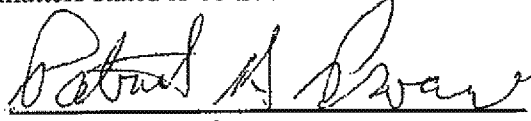
PATRICK H. PROCINO, PRESIDENT & CEO

On this 10 day of September, 2011 before me personally appeared the undersigned, who being duly sworn according to law, and intending to be legally bound, deposes and says:

1. My name is Patrick H. Procino, and I am the President and Chief Executive Officer (CEO) of Procino Plating, Inc. ("Procino Plating"), and I represent that I am authorized to provide this Affidavit on behalf of Procino Plating.
2. Procino Plating applied for and received a renewed Industrial Wastewater Contribution Permit from Sussex County, Delaware, the subject Permit having effective dates from June 1, 2009 to June 1, 2013, and being designated as BL-03-001("the Permit") a copy of the Permit being attached hereto as Exhibit "A".
3. As the result of changes at the Procino Plating facility located at 901 South Market Street, Blades, Delaware, the discharges of industrial wastewater into the Blades Sanitary Sewer System under the Permit were eliminated by the end of February 2011. The changes to the Procino Plating facility involved installation of closed loop systems for cooling water and a closed loop system for the chrome plating process. No other metal plating is currently taking place at the facility.
4. In addition to the installation of the closed loop systems which eliminated the need for an industrial wastewater permit for discharges into the Blades Sanitary Sewer System, the following additional measures to eliminate the potential for a discharge into the Sewer System have been undertaken:
  - (a) The floor drains at the facility have been permanently closed;
  - (b) The discharge sample pit and sewer connection for the discharges of industrial wastewater from the facility under the said Permit have been permanently closed; and
  - (c) All wash water or other liquids used for washing, rinsing, or other purposes in metal plating processing are currently directed to a recently installed evaporator. Any liquid material which cannot be evaporated will be disposed through a Delaware licensed liquid waste hauler for proper disposal. No such liquids or materials used in metal plating processing will be introduced into the sanitary sewer discharges from the facility.

5. Procino Plating agrees to relinquish the referenced Industrial Wastewater Contribution Permit effective the date of this Affidavit subject to the representations set forth herein.
6. It is acknowledged that the industrial wastewater discharges into the Blades Sanitary Sewer District are subject to an Interjurisdictional Agreement between Sussex County and the City of Seaford, which operates the wastewater treatment plant receiving wastewaters from the County's Blades Sanitary Sewer District. The representations and commitments set forth herein are also provided to the City of Seaford.
7. Procino Plating has dismantled its industrial wastewater pretreatment system and rendered the system inoperative. Procino Plating agrees that the remaining sewer laterals will be used only for the discharge of domestic sewage from its facility.
8. In the event Procino Plating wishes in the future to discharge industrial wastewater from its facility into the Blades Sanitary Sewer System it will apply for the necessary permit and not commence any industrial wastewater discharges into the Sewer System until the necessary approvals have been obtained.


The foregoing averments, statements and representations based upon my actual knowledge of such matters and from such knowledge, I know the matters stated to be true and correct.

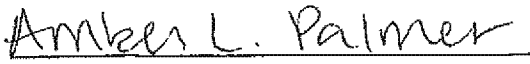
  
Patrick H. Procino

STATE OF DELAWARE    )  
                                  ) SS.:  
COUNTY OF SUSSEX    )

BE IT REMEMBERED, that on this 20 day of September A. D. 2011, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, Patrick H. Procino, President and Chief Executive Officer of Procino Plating, Inc., party to this document, known to me personally to be such and acknowledge this Document to be his act and deed.

GIVEN upon my Hand and Seal of the Office, the day and year aforesaid.

  
Notary Public

  
Notary Name  
My Commission Expires

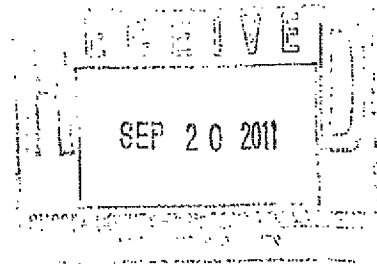
AMBER L. PALMER  
Notary Public  
STATE OF DELAWARE  
My Commission Expires 11-25-2011

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# City of Seaford



Rich in History, Focused on the Future



September 16, 2011

Gary D. Tonge  
Director of Utility Permits  
2 The Circle  
P.O. Box 589  
Georgetown, DE 19947

Dear Gary,

Attached is a letter from Steve Copeland, NPDES Permits Branch Director with the EPA regarding Procino Plating's affidavit. The draft affidavit was submitted to him for review and comment prior to our execution to assure that it was comprehensive enough to satisfy the Pretreatment Program requirements. We requested and received this letter from the EPA to assure we have documentation in our files that supports the fact that the signed affidavit was sufficient.

Based on the content of the letter, the EPA is of the opinion that the signed affidavit meets the requirements for the City of Seaford to no longer require Procino Plating to have a discharge permit. As of the date of this letter, the City of Seaford would not object to Sussex County terminating Procino Plating's discharge permit. As you are aware, Sussex County issued the permit as required in the Interjurisdictional Agreement with Seaford. If Sussex County is in concurrence with this course of action and decides to terminate the permit, please send us formal written documentation of this action for our files.

On behalf of the City of Seaford, we appreciate the time and effort that Sussex County has put into regulating this Categorical Industrial User in the Blades Sanitary Sewer District. Our common goal has always been to protect Seaford's investments and infrastructure for all users.

We look forward to working with you and your staff in the future. If you have questions or require additional information, feel free to call me at 302.629.8307.

Sincerely,

Berley A. Mears III  
City of Seaford, DPW

CC: Dolores Slatcher, CM  
Charles Anderson, ACM  
Bryant Tift - City of Seaford, WWTFOC  
Brian Murphy - City of Seaford, WWTFPC  
File



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

Mr. Berley A. Mears III  
City of Seaford  
Director of Public Works  
P.O. Box 1100  
Seaford, DE 19973

SEP 07 2011

Re: Industrial Pretreatment Program -  
NPDES No. DE0020265

Dear Mr. Mears:

As requested in our telephone conversation of September 6, 2011, this letter is confirming my opinion that the affidavit submitted by Procino Plating, 901 Market Street, Blades, Sussex County, Delaware, (Procino) appears to meet the requirements for Seaford to no longer require Procino Plating to have a discharge permit from Seaford.

I had suggested that to doubly ensure that Procino could not discharge process wastewater to Seaford, a "No Discharge" permit be issued. However, as far as I know, there is no legal basis for this. So, signing the Affidavit by Procino seems to be the final element needed. EPA will no longer require Seaford to regulate Procino Plating as a categorical industrial user (CIU). For the next Annual Pretreatment Report, please indicate this.

The only additional item we discussed was to determine from Procino Plating the details of the removal (hauling) of the wash water or other liquids used for washing, rinsing or other purposes in the metal plating processes. EPA would like to be able to track this hauled waste to ensure that it is adequately regulated.

When the affidavit is signed and duly notarized, please forward a copy to me.

If you have any questions, feel free to contact me at (215) 814-5792, or by e-mail at [copeland.stephen@epa.gov](mailto:copeland.stephen@epa.gov).

Sincerely,

A handwritten signature in black ink, which appears to read "Stephen G. Copeland", is written over a horizontal line.

Stephen G. Copeland  
NPDES Permits Branch (3WP41)  
Water Protection Division

cc: Rob Underwood, DE DNREC

EXHIBIT A

Page 1 of 12

SUSSEX COUNTY COUNCIL

POST OFFICE BOX 589

GEORGETOWN, DELAWARE 19947

INDUSTRIAL WASTEWATER CONTRIBUTION PERMIT

In accordance with the provisions of the "Code of Sussex County,"  
Chapter 110, Part 1, Sewer Use,

Procino Plating, Inc.

901 South Market Street

Blades, DE 19973

is granted permission to discharge wastewater to the Blades  
Sanitary Sewer District at the location designated as:

Procino Plating, Inc.

901 South Market Street

Blades, DE 19973

Tax Map No. 1-32-1.15 (187&188)


subject to the permit conditions established.

Effective Date: June 1, 2009

Expiration Date: June 1, 2013

\*Changes may be necessary before the expiration date due to  
changes in Federal, State, County or City of Seaford  
regulations or the agreement between the County Council  
and the City of Seaford.

Signed:

  
Michael A. Izzo, P.E.  
Sussex County Engineer  
Sussex County, Delaware

Renewal of Permit No. BL-03-001

PERMIT CONDITIONS

ED\_005024\_00000705-00006

General

1. The named permit holder shall be expressly subject to all provisions of the "Code of Sussex County, Chapter 110, Part 1", all other regulations established by the Sussex County Council, The City of Seaford's Industrial Pretreatment Ordinance, Chapter 11 Article 6, governing wastewater, and the Interjurisdictional Agreement for Industrial Pretreatment for the City of Seaford and Sussex County.
2. The permit holder will be responsible for all user charges and fees, as outlined in the "Code of Sussex County," Chapter 110, and any other fees or charges as established by the Sussex County Council or the City of Seaford.
3. This wastewater discharge permit is issued in the name of the permit holder and shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the prior approval of the Sussex County Council or the City of Seaford.
4. The permit holder shall report to the Sussex County Engineer any changes (permanent or temporary) to the premises or operations that are described in the wastewater discharge permit application submitted by the permit holder, or deviate from the terms and conditions under which this permit is granted. The permit holder must notify the Sussex County Engineer of any significant changes to the User's operations or system, which might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change.
  - 1) The Sussex County Engineer may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 11-46(e) of the City of Seaford's Industrial Pretreatment ordinance.
  - 2) The Sussex County Engineer may issue a wastewater discharge permit under Section 11-46(b) of the City of Seaford's Industrial Pretreatment ordinance or modify an existing wastewater discharge permit Section 11-47(d) of the City of Seaford's Industrial Pretreatment ordinance in response to changed conditions or anticipated changed conditions.
5. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and Title 7, Section 6033, Delaware Code Annotated and is grounds for enforcement action; for permit termination and revocation and reissuance or modification; or denial of a

6. The permittee must comply with the monitoring and reporting requirements of the general pretreatment regulations, 40 CFR, Part 403.
7. The permit holder may submit semi-annual certification statements of no dumping of solvents in lieu of Total Toxic Organics (TTO) monitoring. Each semi-annual report must be signed by a responsible corporate officer of the company or manager responsible for the overall plant operation and submitted in accordance with 40 CFR 403.12(e).
8. The permittee shall develop, submit for approval and implement an accidental discharge/slug control plan. The accidental discharge/slug control plan shall address, at a minimum, the following: (1) description of discharge practices including non-routine batch discharges; (2) description of stored chemicals; (3) procedures for immediately notifying the permitting authority of any accidental or slug discharge; and (4) procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response. (5) maintain a list of emergency contact numbers.
9. The Sussex County Engineer reserves the right to revise this permit based on changes in Sussex County's or the City of Seaford's local pretreatment limits or the potential of the permittee's discharge to harm Sussex County's facilities or the City of Seaford's wastewater treatment process.
10. The permittee shall allow the County Engineer, or an authorized representative, upon the presentation of credentials and other documents as required by law to:
  - a. Enter the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
  - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
  - c. Inspect at reasonable time any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit;
  - d. Sample or monitor, for the assuring of permit compliance, any substances or parameters at any location; and
  - e. Inspect any production, manufacturing, fabricating, or storage area where pollutants, regulated under the permit, could originate, be stored or be discharged to the sewer



system.

11. Hazardous waste, as identified in 40 CFR Part 261, is strictly prohibited from being discharged to the sewer system.
12. Signatory Requirement: The monthly reports required in the permit, along with any other sampling and analysis data collected by the User, are required to be submitted with the Signatory or Certification Statement outlined under 40 CFR 403.6 of the General Pretreatment Code, which is included below, and signed by a principal executive officer of the corporation.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or the persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines or imprisonment for knowing violations."

13. This permit is issued for the discharge of waste from a chemical etching of aluminum process consisting of Potassium Hydroxide and Nitric Acid only, as stated in the permittee's application. Discharges other than from the above stated process will be a violation of this discharge permit.
14. There is to be NO electroplating performed at this location that requires waste to be discharged into the sanitary sewer. This permit does not allow electroplating discharges even though both electroplating and chemical etching both fall under the 40 CFR, Part 433, metal finishing.
15. This permit does not allow any discharges of stored waste or by-products of the electroplating process. The permittee must notify the EPA that they no longer are electroplating which requires a discharge and all of the stored waste must be hauled off site to be disposed of within ninety (90) days in accordance with the EPA.

#### Effluent Limitations

1. Effluent limitations shall be in accordance with the requirements of the "Code of Sussex County," "City of [redacted] Local Limits" or the U. S.

Environmental Protection Agency (EPA) Effluent Guidelines for the Metal Finishing Industry, as published in 40 CFR, Part 433.

2. The permittee is authorized to discharge, for the duration of this permit, wastewater to the Blades Sanitary Sewer District from the outfalls listed below.

Description of outfalls/sample points:

<u>Outfall</u>	<u>Descriptions</u>
001	Discharge Process Wastewater, sample pit outside of bld. 2, concrete vault on north side of bld.
002	Domestic sanitary sewer discharge, locked manhole outside of bld. 1, north side of bld., near front of bld.

3. For the duration of this permit, the discharge from outfall 001 shall not exceed the following effluent limitations. Effluent from this outfall shall only consist of treated process wastewater.

<u>Pollutant or Pollutant Property</u>	<u>Max. For Any Day (mg/l)</u>	<u>Monthly Average Shall Not Exceed (mg/l)</u>
Flow	20,000 gpd	
Cadmium (T)	0.11	0.05
Chromium (T)	2.77	1.71
Copper (T)	3.38	1.40
Lead (T)	0.69	0.43
Nickel (T)	3.98	0.73
Cyanide (T)	1.20	0.32
Zinc (T)	2.61	1.48
Silver (T)	0.43	0.24
TTO	2.13	2.13
Mercury*		.10
Arsenic*		1.00
Selenium*		0.05
BOD*		350
pH	must be maintained between 6.0 and 9.0 units	

Source: 40 CFR, Section 433.17, "Code of Sussex County"  
\*City of Seaford's Local Limits, per  
Interjurisdictional Agreement.

4. For the duration of this permit, the discharge from outfall 002 shall be of domestic or non process wastewater only.
5. The permittee shall not discharge wastewater containing any of the listed specific prohibitions.
6. All discharges shall comply with all provisions of the "Code of Sussex County, Chapter 110, Part 1", all other regulations established by the Sussex County Council, The City of Seaford's Industrial Pretreatment Ordinance, Chapter 11 Article 6, governing wastewater, enforced by the Interjurisdictional Agreement for Industrial Pretreatment for the City of Seaford and Sussex County, and any applicable State and Federal pretreatment laws, regulations, standards, and requirements including any such laws, regulations, standards, and requirements that may become effective during the term of this permit.

#### Monitoring Requirements

1. For the duration of this permit, the permittee shall monitor outfall 001 for the following parameters, at the indicated frequency:

<u>Sample Parameter (units)</u>	<u>Measurement Location</u>	<u>Frequency</u>	<u>Sample Type</u>
Flow <sup>1</sup> (gpd)	001	Continuous	Totalize/Record
pH <sup>1</sup> (s.u.)	001	Daily	Grab
Cadmium <sup>1</sup> , Chromium <sup>1</sup> , Copper <sup>1</sup> , Lead <sup>1</sup> , Nickel <sup>1</sup> , Silver <sup>1</sup> , & Zinc <sup>1</sup>	001	1/6 Months <sup>3</sup>	Composite <sup>2</sup>
Cyanide <sup>1</sup>	001	1/6 Months <sup>3</sup>	Grab
BODs <sup>1</sup>	001	1/6 Months <sup>3</sup>	Composite <sup>2</sup>
Arsenic <sup>1</sup>	001	1/6 Months <sup>3</sup>	Composite <sup>2</sup>
Mercury <sup>1</sup>	001	1/6 Months <sup>3</sup>	Composite <sup>2</sup>
Selenium <sup>1</sup>	001	1/6 Months <sup>3</sup>	Composite <sup>2</sup>

(This does not preclude the SCED taking unannounced samples in  
by the permittee.)

Notes:

- (1) Sampling shall be taken on a day when the etching process is running and discharging to the sanitary sewer.
  - (2) Composite samples shall be obtained by combining equal volumes from multiple grab samples obtained during the aluminum etching process. The first sample shall be taken between 30 and 60 minutes of commencing the etching line. Successive samples shall be taken at equal intervals, not to exceed 60 minutes, for the duration of the process. The composite sample shall be comprised of a minimum of four (4) grab samples. For each sample taken, the permittee shall record the date, time, volume of grab used in composite sample, and the individuals performing the sampling.
  - (3) The frequency of sampling shall be at least once every six months for a minimum total of two times per calendar year.
2. All analyses shall be performed in accordance with EPA approved analyses methods (40 CFR, Part 136) by an independent testing firm, excluding pH, which is done by the permittee.
  3. A meter to measure the wastewater discharge shall be maintained. The permittee shall provide certification that this meter has been calibrated and is in good working order, annually by a qualified technician. Flow shall be monitored daily using a meter and chart recorder. The recorder shall use 7-day charts of 8-inch diameter. The meter shall have 4 to 20 mA output, capable of connecting to ISCO 2900 model composite sampler. The meter has been installed at the following location(s): (provide location)
  4. The permit holder is required to maintain an inspection and sampling manhole at the following locations(s):  
Sampling point in waste line, immediately outside the structure, housing the production area that includes the total wastewater flow from the production facilities. The sampling manhole must be capable of housing ISCO Model 2900 Composite Sampler.
  5. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring point in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body

of water, or substance. All equipment used for sampling and analyses must be calibrated daily, inspected, and maintained to ensure their accuracy. Monitoring points shall not be changed without notification to and approval of the Sussex County Engineer.

### Reporting Requirements

#### 1. Periodic Discharge reports

A discharge report containing the results of the monitoring program shall be filed with the County Engineer by the second Tuesday of each month. Additional information to be included in each report is as follows:

Quarterly water consumption in gallons  
Flow charts  
pH calibration log  
Process log  
Sampling log (as needed)  
Chain of custody (as needed)  
Sample analysis (as needed)

#### 2. Permit Noncompliance

- a. If a sampling performed by a permit holder indicates a violation, the user must notify the Sussex County Engineer within twenty-four (24) hours of becoming aware of the violation.
  - b. Submit in writing, within 10 days, a description of noncompliance, cause if known, procedures taken for compliance, and procedures taken to prevent reoccurrence, to include changes in policy, procedures, and production.
  - c. The permit holder shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Sussex County Engineer within thirty (30) days after becoming aware of the violation.
3. The permit holder shall retain all records of information obtained pursuant to any monitoring activities, including calibration and maintenance records and all original circular chart recordings for continuous monitoring instrumentation, required by this permit. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical

techniques or method used; and the results of such analyses. The records shall remain available for a period of at least three (3) years.

4. Accidental Discharge Report

- a. The permittee shall notify the Superintendent of the POTW immediately upon the occurrence of an accidental discharge of substances prohibited by Section 11-43 of the City of Seaford Industrial Pretreatment Ordinance, Chapter 11 Article 6, or any slug loads or spills that may enter the public sewer. During normal business hours the Superintendent should be notified by telephone at (302) 629-8340. At all other times the Superintendent should be notified by telephone at either (302) 448-9535, or (302) 236-3973, after 5 P.M. Monday - Friday, weekends and holidays. The notification should include location of discharge, date and time thereof, type of waste, including concentration and volume, and corrective actions taken. The permittee's notification of accidental releases in accordance with this section does not relieve it of other reporting requirements that arise under Local, State, or Federal laws.
- b. Within five days following an accidental discharge, the permittee shall submit to the County Engineer a detailed written report. The report shall specify;
  - 1) Description and cause of the upset, slug load or accidental discharge, the cause thereof, and the impact on the permittee's compliance status. The description should include location of discharge, type, concentration, and volume of waste.
  - 2) Duration of noncompliance, including exact dates and times of noncompliance and if the noncompliance is continuing, the time by which compliance is expected to occur.
  - 3) All steps taken or to be taken to reduce, eliminate, and/or prevent recurrence of such an upset, slug load, accidental discharge, or other conditions of noncompliance.

- c. The permittee is required to notify the County Engineer immediately of any changed conditions at its facility affecting the potential for a slug discharge.

Standard Conditions

1. A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, a minimum of ninety (90) days prior to the expiration of the user's existing wastewater discharge permit.

An expired permit will continue to be effective and enforceable until the permit is reissued if:

- a. The permittee has submitted a complete permit application at least (90) days prior to the expiration date of the user's existing permit.
  - b. The failure to reissue the permit, prior to the expiration of the previous permit, is not due to any act on the part of the permittee.
2. When the Sussex County Engineer finds that a user has violated, or continues to violate, any provision of this permit, a wastewater discharge ordinance, or order issued hereunder, or any other pretreatment standard or requirement, the Sussex County Engineer may petition the Court of Chancery of the State of Delaware through the County's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order or other requirement imposed by this permit on activities of the user. The Sussex County Engineer may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

A user who has violated, or continues to violate, any provision of this permit, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable for maximum civil penalties of \$1,000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation. The Sussex County Engineer may recover reasonable attorney's fees,

court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the County and/or City. In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

A user who willfully or negligently violates any provisions of this permit, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than five thousand dollars (\$5,000) per violation, per day, or imprisonment for not more than (1) year or both.

A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least five thousand dollars (\$5,000) or be subject to imprisonment for not more than one (1) year, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other documentation filed, or required to be maintained, pursuant to this ordinance, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this permit shall, upon conviction, be punished by a fine of not more than five thousand dollars (\$5,000) per violation, per day, or imprisonment for not more than one (1) year, or both.

The remedies provided for in this permit are not exclusive. The Sussex County Engineer may take any, all or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan as established in the Industrial Pretreatment Ordinance, Chapter 11 Article 6. However, the Sussex County Engineer may take other action against any user when the circumstances warrant. Further, the Sussex County Engineer is empowered to make more



# **Metals and Cyanide - Procino Plating** **Chain of Custody / Sampling Log**

## **Metals**

Sample Type: \_\_\_\_\_ Sample ID: \_\_\_\_\_

Preservative \_\_\_\_\_

Grab#	Date	Time	Vol. (ml)	Initial
1				
2				
3				
4				
5				
6				
7				
8				
Total Vol. collected				

## **Cyanide**

Sample Type: \_\_\_\_\_ Sample ID: \_\_\_\_\_

Preservative \_\_\_\_\_

Grab#	Date	Time	Vol. (ml)	Initial
1				
2				
3				
4				
Total Vol. collected				

Relinquished By: \_\_\_\_\_ Date/Time: \_\_\_\_\_ Condition: \_\_\_\_\_

Received By: \_\_\_\_\_ Date/Time: \_\_\_\_\_ Condition: \_\_\_\_\_

Relinquished By: \_\_\_\_\_ Date/Time: \_\_\_\_\_ Condition: \_\_\_\_\_

Received By: \_\_\_\_\_ Date/Time: \_\_\_\_\_ Condition: \_\_\_\_\_

## Process Log Summary - Procino Plating

Month \_\_\_\_\_, Year \_\_\_\_\_

[illegible]

pH Calibration, Sampling and Analysis Log - Procino Plating

Month \_\_\_\_\_, Year \_\_\_\_\_

[illegible]